

APPLICATION OF Jason R. Brown [Name]
FOR CIRCUIT JUDGE
31st CIRCUIT JUDICIAL COMMISSION
GREENE COUNTY, MISSOURI (as adopted June 8, 2009)

RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS NOMINATED.

NOTE – Please submit one (1) paper copy, with attachments, to each of the five (5) Commission members by mail.

1. Present principal occupation and title:

Associate Circuit Judge, Div.22,
Thirty-First Judicial Circuit, Greene County, MO.

2. What is your age? 52

3. (a) How many years have you been a citizen of the United States? 52

- (b) How long have you been a Greene County resident? 19 years.

- (c) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri? 34 years.

4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail.

October, 1988. My license is in good standing.

5. List any other states, courts, or agencies in which you are licensed as an attorney.

U.S. District Court, Western District of Missouri; Oct. 1988.

Kansas; May, 1989 (#13870) (currently inactive).

U.S. District Court, District Of Kansas; May, 1989 (currently inactive).

6. (a) State the name and address of all colleges and universities attended, other than law school, together with the dates and degrees received.

University of California, Santa Barbara 1981-82.
1210 Cheadle Hall
Santa Barbara, CA 93106-2014

University of Missouri, Columbia 1982-85; B.A. (Political Science).
230 Jesse Hall.
Columbia, MO 65211

- (b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

- Phi Beta Kappa election.
- Honors College graduate.
- Internship with State Rep. Herb Fallert at State Capitol.
- Lambda Chi Alpha Fraternity (Secretary).
- Greek Week.
- Intramural sports.
- KCSB radio news reader.

- (c) Attach a certified copy of college, university and law school transcripts here, or have the institutions send transcripts direct to the contact person.

Certified copies are attached. (The reference to St. Louis University refers only to advanced placement courses I took at my high school)

7. (a) State the name and address of all law schools attended together with the dates and degrees received.

Vanderbilt University School of Law 1985-88; J.D.
131 21st Avenue South
Nashville, TN 37203

- (b) List/describe any law school activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

- Moot Court Board.
- Moot Court competition finalist.
- Internship with Davidson County Public Defender.
- Legal Aid Clinic and Juvenile Clinic.
- Vanderbilt Bar Association.
- Intramural Sports.

8. State, in chronological order (starting with the earliest employment) (a) significant non-law-related employment prior to law school and (b) all employment from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment, and, for legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

A. (1978-85; High School and College):

-- **Datastor**; 1635 Washington Ave, St. Louis, MO 63103: Warehouse worker.

-- **Washington Park Cemetery**; 4650 James McDonnell Blvd, St. Louis, MO 63134:
Groundskeeper.

-- **Robertson Jones Antiques**; 801 S. Lindbergh, St. Louis, MO: Antique delivery.

- **Queen Ann Apartments**; 1475 Willow Brook Cove, St. Louis, MO 63146: Groundskeeper.
- **Factory**; Kirkwood, MO: Machine press operator.
- **Clarion Hotel**; 200 S. 4th St., St. Louis, MO 63102: Concierge, Front Desk Clerk and Reservationist.
- **The Fieldhouse**; 1107 E. Broadway, Columbia, MO 65201: Server.

B. (1986-Present):

- **St. Louis County Prosecuting Attorney (Buzz Westfall)**; 100 S. Central Ave., St. Louis, MO 63105: Summer Intern, 1986.
- **Office of Public Defender (Karl Dean), Davidson County, TN**; 404 James Robertson Pkwy., Nashville, TN 37201: Intern, 1986-87.
- **Watson, Ess, Marshall & Enggas**; 1010 Grand Ave, Kansas City, MO 64106: Summer Associate, June-July, 1987.
- **Zimmerman, Shuffield, Kiser and Sutcliffe**; 315 E. Robinson St., #600, Orlando, FL 32801: Summer Associate, July-August, 1987.
- **Watson, Ess, Marshall & Enggas**; 130 N. Cherry, Olathe, KS 66061: Associate Attorney, 1988-1993.
- **Couch, Strausbaugh, Pierce & King**; 10975 Benson Dr. #370, Overland Park, KS 66201: Associate Attorney, 1993-95.
- **Carmichael, Gardner & Clark**; 901 E. St. Louis St., Springfield, MO 65801: Of Counsel Attorney, then Partner, 1996-99.
- **Carmichael, Gardner, Turner & Brown**; 901 E. St. Louis St., Springfield, MO 65801: Co-Managing Partner, 1999-2001.
- **Lathrop & Gage**; 1845 S. National Ave., Springfield, MO 65808: Member; 2001-04.
- **Associate Circuit Judge, Division 22, Greene County, MO** (See above address): Appointed Jan. 1, 2005 (to fill vacancy created when Hon. Dan Conklin became Circuit Judge); Elected, 2006; Retained, 2010 and 2014.

9. If you were a student at any school from which you were suspended, placed on probation, or expelled by school authorities, for any reason, describe the circumstances.

N/A.

10. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. **It is your responsibility to redact any information in your description that might be confidential; i.e. juvenile matters, etc.** (You either may take as much space as you need here or attach your response on separate sheets). Include in your response:
- (a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; give a one-paragraph description of the case and your role.
 - (b) **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; give a one-paragraph description of the case and your role.
 - (c) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled, and any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

Now in my eleventh year as Associate Circuit Judge, I am fortunate to continue handling a diverse docket of civil and criminal cases. Since 2005, I have presided over approximately thirty (30) jury trials, including complex personal injury, medical negligence, felony criminal and misdemeanor cases, some lasting for as little as one day to as long as two and a half weeks. Whether through direct assignment, disqualifications, or, by volunteering, I have been assigned as the trial judge on circuit-level civil and felony cases, often significantly prior to and through trial. I have presided over numerous extended bench trials, involving commercial contract disputes, construction cases and other controversies between businesses or former business partners. I have also accepted transfer of involved cases from other counties in need due to an ethical conflict, shortage of judges, or similar circumstances.

Since 2008, I have drawn direct assignment of a significant portion of circuit-level cases for handling from the inception of the case. For instance, in 2011, I was assigned and ruled upon the legal challenge to the “smoking ban” ordinance passed in Springfield. (*Patty Sue, Inc. v. City of Spfd*, No. 1131-CV07519). I have also considered and ruled upon numerous complicated summary judgment motions, as

well as issued many decisions featuring specific and lengthy findings of fact and conclusions of law.

Since 2005 and through the present, my docket has included a daily, high volume of felony, misdemeanor and traffic cases, with sometimes well over 100 cases set in a given morning. I have conducted hundreds of criminal bench trials and felony preliminary hearings. I also interact daily with defendants in custody.

From 2005-2007, my docket also featured small claims, landlord/tenant and smaller collection cases, where often one or more parties was not represented by counsel.

Since 2008, I have served as Family Court Judge for Commissioner Sue Chrisman's proposed judgments and I hear argument and rule on any Motions for Rehearing from said judgments.

Every eighth week, I serve as the on call "Duty Judge," which involves being accessible 24 hours a day for warrants and for phone calls relaying Protection from Abuse petitions. "Duty Week" also includes conducting contested hearings on such petitions, and, reviewing daily and approving or declining proposed family court judgments submitted by affidavit.

From 2005-13, my (monthly) docket included ordinance violation cases from the City of Walnut Grove, MO.

When I took the bench in 2005, I assumed control of a docket and schedule arranged by my predecessor. But, I felt prepared and equipped to handle the breadth and volume of my duties as a judge. As a trial lawyer for over sixteen (16) years, I was fortunate to have a diverse and demanding practice which spanned several jurisdictions in Missouri and Kansas, in both state and federal courts. Although I usually served as defense counsel, I also represented the plaintiff in significant personal injury, construction, business tort and Fair Credit Reporting Act cases. My trial court experience featured numerous jury trials, bench trials and extensive summary judgment motion practice, in a variety of cases, including civil rights, employment discrimination, realtor/broker liability, banking, commercial, product liability, personal injury and medical negligence. As a young lawyer, I also handled some domestic and criminal matters.

I found that my broad experience and exposure to a variety of cases, in different jurisdictions and courts, while working at small and big law firms, provided me with a solid foundation, perspective and demeanor. On a daily basis, my docket requires me to switch quickly from handling a criminal matter to a civil one, and vice versa. I now rarely see a case that represents my first experience with one of its type.

I'm confident that the breadth, complexity and significance of my nearly 27 years of legal experience, both as judge and lawyer, has contributed greatly to the quality of my service as a judge. But, of equal importance, it has also enhanced my

appreciation for how both the lawyers and parties hope (and deserve) to be treated by the courts.

***Attached is a list of representative trial and appellate cases I handled as an attorney.**

11. (a) Describe any additional legal experience that you believe may be relevant to the commission's decision, including clients by category that you have represented.

-- In October, 2014, upon the invitation of the Missouri Supreme Court, I attended and completed a three (3) day course on "Complex Commercial Cases," through the National Judicial College. In June 2014, I attended and completed a related course on "Financial Statements in the Courtroom," also presented by the National Judicial College.

-- I served as Volunteer Judge for Greene County's Teen Court program, from 2005-2013. This is a special program where selected juvenile offenders submit to an abbreviated trial, utilizing high school students as prosecutor and defense attorneys. Other juvenile probationers serve as jurors, who hear the evidence, deliberate and arrive at a recommended sentence. As Judge, I imposed the sentence and then offered suggestions to the students on their examinations and arguments.

-- During my previous career as a practicing attorney, clients whom I represented on a recurring basis included Great Southern Bank; Reliable Chevrolet; Reliable Imports and RV's; St. John's Hospital; Barton County Mutual Insurance Co; State Farm Fire & Casualty Co; MOPERM; City of Nixa; Mid-America Dental Centers; Jaspers Hotels; ReMax House of Brokers; Vatterott College; Massey-Ferguson; Owens-Corning.

- (b) Describe any non-legal experience that you believe may be relevant to the commission's decision.

As both a judge and lawyer, I have served in administrative or related capacities in addition to my core responsibilities. For instance, I served as co-managing partner for one of my law firms, and, served on the litigation and associate review committees at another firm.

As a Greene County Judge, I have served on the Pre-Trial Release Committee; Jail Population Matrix Committee; Employee Grievance Committee and other ad-hoc committees at the request of the Presiding Judge. I have also volunteered or been asked to draft proposed administrative orders to reflect significant changes in docket assignments or related matters. I frequently consult with the Circuit Clerk's office to answer questions and/or streamline policies or customs. For example, I drafted and urged the adoption of the "filing rule," whereby subsequent criminal cases filed (and/or bound over for trial) against a defendant are automatically assigned to the same division already handling a case pending against that

defendant. This has helped to avoid confusion and duplication and has fostered coordination and efficiencies. In 2008, I helped institute the now regular custom whereby some associate circuit judges serve as “back-ups” to circuit judges who have more than one jury trial ready to proceed in a given week. Similarly, and, routinely, I offer assistance to other judges with their daily dockets.

During 2011-13, I served as a “Community Resource” for a resident at the Good Samaritan Boys Ranch. “David” was nearly 16 when we met and he came from an extremely difficult home life and background. We spent several hours together once or twice each month and developed a solid and supportive relationship. My experience with David gave me perspective on both the critical importance of a dependable home life for a child, and the power and value of patience and perseverance.

12. List all bar associations and other professional societies of which you are a member, with any offices held and dates.

Missouri Supreme Court: Current chairperson of the “Courts 101” pilot project of the Adult Civic Education Sub-Committee, for which I also serve on the Website Review and Selection ad-hoc committee.

Springfield Metropolitan Bar Association: Former Board Member; Former and Current Member of Bench/Bar Committee; Non-Partisan Court Plan Committee; Participant and speaker for Mentorship program; Past-Chairman of CLE committee.

Missouri Bar Association: Mentorship Program (I served as mentor to two successful Springfield attorneys); Professionalism Committee; Civil Practice & Procedure Committee; Lawyer To Lawyer Dispute Resolution Committee; Annual Meeting Planning Committee.

MAPACJ (MO Assoc. of Probate & Associate Circuit Judges): Board Member (2009-13); Delegate to Judicial Conference (2011-14).

Hon. Earl O’Connor Inn of Court: Johnson County, KS : Associate, 1993-95.

Kansas Bar Association: Member

Johnson County, KS Bar Association: Professional Courtesy Committee; Young Lawyers’ Section.

Kansas City Metropolitan Bar Association: Member.

13. (a) List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

-- “Best Associate Circuit Judge, Southern District”; MO Lawyers Weekly

Readers Poll (2009).

-- **Vocational Service Award**, Rotary Club of Springfield Southeast (2005).

-- **"Forty Under Forty" Class**; Springfield Business Journal (2002).

- (b) List any other articles, reports, letters to the editor, editorial pieces, or other material authored by you that have been published within the last five (5) years.

-- **Co- Editor, Traffic Code Bench Guide**; 2009 and 2013 (Office of State Courts Administrator)

--**"Members of the Jury—We Salute You"**; Editorial printed in the Springfield News Leader (2010).

14. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations in which you have significantly participated. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

-- **Good Samaritan Boys Ranch**: Past Board Chairman; Executive Committee member and current Board member. (2009-Present)

-- **Rotary Club of Springfield Southeast**: Member; Past Board member; Sergeant At Arms (2013-14); repeat member of various committees (1997-Present).

-- **Rock-n-Ribs Barbeque Festival**: Executive Committee (2011-Present).

-- **Isabel's House Crisis Nursery**: Advisory Board Member (2009-present).

-- **C.A.R.E.**: Volunteer for No-Kill Animal Adoption Organization.

-- **Springfield Little Theatre**: Board Chairman and member (2002-08).

-- **Missouri Literacy Festival**: Board Member (2008).

-- **Leadership Springfield Academy**: Past yearly advisor to high school sub-groups; (Also graduate of Class XIII (1998).

-- **Lakes Country Rehabilitation Center**: Board Chairman and Member (1997-2003).

-- **Junior Achievement Teacher**: 2001.

-- **Habitat for Humanity of Springfield**: Board Member (1998-2000).

-- **Past youth basketball, ice hockey and softball coach**.

-- **Hickory Hills Country Club**: Member (1997-Present); Tennis committee.

-- **Johnson County, KS Humane Society:** Board Member.

-- **Vatterott College Advisory Board Member.**

-- **Olathe (KS) Business Network:** Founder and President.

15. Do you now hold or have you ever held an elective or an appointive public office or position? If yes, provide details.

Yes. I was appointed Associate Circuit Judge by Governor Holden on January 1, 2005, to fulfill an unexpired term. I was elected to that office after a contested election in November, 2006. After Greene County adopted the Non-Partisan Court Plan in 2008, I was subsequently retained for additional terms, both in 2010 and in 2014.

16. Please list any client(s) or organization(s) for which you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organization(s).

I have spoken on several occasions about the history and features of the Non-Partisan Court Plan and various other topics related to the administration of justice. I have also, on occasion, spoken to state legislators about a court-related bill. Otherwise, I have not performed any lobbying activities.

17. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.

N/A

18. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being a trial judge.

Yes.

19. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

No.

20. Have you ever been disciplined, admonished or cited for breach of ethics or professional Conduct by the Supreme court of Missouri or by any court or bar association or committee thereof? If yes, provide details.

For a period of weeks in 1989, I represented an individual in a post-divorce matter in Johnson County, KS. Over six (6) years later, in 1995, a disciplinary complaint was

referred arising out of that representation. The matter primarily concerned whether notice was required to an attorney involved in the prior divorce matter whose representation had ended but who had not formally withdrawn. After I contested an initial recommendation of informal admonition, the complaint was dismissed by the Kansas Board of Discipline of Attorneys.

21. If you are or were a member of the judiciary of the State of Missouri, please state:

- (a) Whether an order of discipline ever has been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct. If yes, provide details.

No.

- (b) Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

No.

22. Have you have ever been held in contempt of court? If yes, provide details.

No.

23. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem?

If your answer is yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

Yes.

-- The individual referenced in response to No. 20 above sued me, in 1997. Summary Judgment was granted in my favor. (*Ferguson v. Brown*, Nos. 98CV12925, 97CV09086, Johnson County, KS).

-- In 2006, I was one of several defendants named in a federal court action asserted by an individual found guilty of speeding after a jury trial I conducted. Each defendant's motion to dismiss was granted. (*Ray Wolfe v. Greene County, MO et. al*, No. 06-3192-CV-S-SWH (W.D.MO)).

-- I am one of three defendants in a lawsuit brought by a family member regarding my

stepmother's use of assets from my deceased father's trust. The Plaintiff, who has a remainder interest in the trust after my stepmother's death, generally contends that my stepmother's support from the trust was too generous. I served as a successor trustee for a period of time, without compensation. There is no allegation or claim that I derived or received any improper financial benefit. The case was filed in 2011; tried to the court in October, 2014; and remains under advisement. (*Keith Brown v. Marlene Brown et al*, No. 11SL-PRO1336, St. Louis, County, MO)

-- In my judicial capacity, I have been named as a party where a Writ was sought from the Missouri Court of Appeals, Southern District regarding an order or ruling I issued. In one such instance, the City of Springfield sought a Writ to prohibit discovery of statements by and citizen complaints against law enforcement officers whom the Defendant was accused of assaulting, but claimed self-defense. A final order was denied and the preliminary order quashed. (*State ex rel. City of Springfield v. Brown*, 181 S.W.3d 219 (Mo.App. S.D. 2005).

24. Have you ever been convicted or received a suspended imposition of sentence for a felony or misdemeanor in state, federal or military court? (*Note that this question does not require that traffic offenses or other infractions be listed.*)

No.

If your answer is yes, state the style of the case, where it was filed, and explain in detail.

25. Are you delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

No.

26. You must attach to this application one writing sample of your choice. The only rule, limitation or instruction is that you must indicate whether it was edited by anyone else, and if so, to what degree.

Two samples are attached and neither was edited by anyone else.

27. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you otherwise believe is relevant to the commission's decision.

In both 2010 and 2014, in connection with non-partisan retention elections held those years, I was evaluated (anonymously) by lawyers asked to rate and score those judges up

for retention as to whom they had direct, personal knowledge. There were approximately nineteen (19) criteria addressing the judges' qualifications and skills, including their demeanor, ethics, fairness, legal knowledge, written opinions and docket management. In 2010, my average score tied for the third highest of the non-partisan counties in the state, and, in 2014, my score tied for the second highest. I believe these ratings from the lawyers who regularly appear in my division reflect the consistent quality of my daily performance on the bench for ten (10) + years.

Outside of the courtroom, I have been a frequent speaker to other judges, lawyers, service clubs, employers and students. This includes presentations at the request of the Trial Judge Education Committee, and, as a guest lecturer to classes at Drury University, Missouri State University and Ozarks Technical College. (I also enjoy hosting students of various ages in the courtroom) Some of those occasions are listed below:

- May 1, 2015: I served on a judicial panel at a legal seminar entitled "As Judges See it: Best and Worst Practices in Civil Litigation" (NBI; Springfield, MO)
- Feb., 2015: Spoke to "Two Men and a Truck" employees regarding the Non-Partisan Court Plan.
- Nov., 2014: Spoke to Business Law Class at Drury University.
- June, 2013: Judicial Ethics Forum (MATA; Osage Beach, MO)
- April, 2011: Welcome, New Judges (MAPACJ; Osage Beach, MO)
- Oct., 2010: Judicial Campaign and Media (Judicial College; St. Louis, MO).
- Aug., 2010; Associate Judge Civil Panel (Judicial College, Osage Beach, MO)
- May, 2010; Views From the Bench; (MODL, Springfield, MO)
- June, 2008; Tips from the Bench (SMBA, Springfield, MO)

I make it my habit to read pertinent materials prior to the hearing or trial; I make prompt and timely decisions, with an explanation of my reasoning; display a consistent work ethic; manage (and move) my docket; and strive to be reliable, accessible and available to attorneys, prosecutors, law enforcement officers, litigants and court staff. I also enjoy serving as a mentor of sorts to less experienced prosecutors and public defenders.

I recognize that a pending lawsuit or a criminal charge weighs heavily on the minds of those involved and can disrupt their lives. I also recognize that for many litigants, the quality and experience of the judicial process and their treatment by the judge in the courtroom can be just as important as the outcome of their case.

I endeavor to treat everyone who appears in court with respect and grant them a full opportunity to be heard. I believe that judging—like the practice of law—requires

continual learning. In this regard, I hope to become a slightly better judge each day. I also strive to take my oath of office very seriously, without taking myself too seriously.

28. Please list the names of *five* persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the (5) references, **please provide name, title, mailing address, telephone and e-mail address.** *Please note that it is your responsibility to contact your references* and to see that they send the requested letters in a timely manner and in accordance with the Guidelines for References.

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